

SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Discussion Regarding County Requirement for Expanded or New Limerock Mines to be Located Adjacent to Existing Permitted Limerock Mines.

REQUESTED ACTION: N/A

☒ Work Session (Report Only)

DATE OF MEETING: 1/19/2010

☐ Regular Meeting

☐ Special Meeting

CONTRACT: ☒ N/A

Vendor/Entity: _____

Effective Date: _____

Termination Date: _____

Managing Division / Dept: _____

Planning

BUDGET IMPACT: _____

☐ Annual

FUNDING SOURCE: _____

☐ Capital

EXPENDITURE ACCOUNT: _____

☒ N/A

HISTORY/FACTS/ISSUES:

Introduction

Limerock is a key component in the construction industry in Florida and throughout the United States and is a strategic resource of the State and Sumter County. Sumter County's geology provides an opportunity for the mining of this strategic resource. Currently, there are six (6) permitted limerock mines in Sumter County (see attached map):

Center Hill Mine – Cemex

St. Catherine Mine – Cemex

Bedrock Mine – Bedrock Resources

Dixie Mine – Dixie Lime & Stone

Midcoast/Mazak – Midcoast Aggregates

American Cement – American Cement

Limerock mines are allowed within the agricultural areas of the County with the approval of a Conditional Use Permit and Operating Permit by the Board.

The expansion of these existing mines or location of new mines is limited by the Sumter County Comprehensive Plan and Sumter County Land Development Code to properties that are "...adjacent to existing, legally permitted mine sites with no intervening non-compatible uses..." (Policy 7.1.11.1 – Comprehensive Plan & Section 13-772(d)(1) – Land Development Code).

The effect of this limitation on the expansion of existing mines or location of new mines is that the available areas of the county for limerock mining is restricted to only those properties that are adjacent to one of the six (6) existing limerock mines. The following is a brief assessment of the positive and negative aspects of this location limitation:

Positive

Provides notice to public of the potential location of expanded or new limerock mining operations.

Existing and prospective property owners are able to determine if their property is within an area of the county that is designated for potential future mining activity. Based on this information, the existing or prospective property owner may make informed decisions regarding their property and have a reasonable assurance of whether or not the property will be directly impacted by mining operations.

The impact of limerock mining is limited to designated areas of the county.

Limerock mining results in significant alterations of the land and produces external impacts to surrounding properties. These impacts are managed and mitigated through the permitting conditions of the County's Conditional Use Permit and Operating Permit and permitting conditions of several State and Federal agencies. However, it is a common occurrence for complaints to be filed by surrounding property owners with the County and other regulatory agencies when the operations and activities are in full compliance with the permitting conditions. The requirement for adjacency to an existing mine limits the areas of the county and surrounding property owners that would be subject to the impact of mining.

Negative

Artificially restricts competition in the limerock mining industry.

The requirement of being adjacent to an existing limerock mine can be used by the existing limerock mine companies to restrict the entry of new limerock mining businesses. If an existing limerock mine company is able to secure agreements with adjacent property owners that prohibits the adjacent property owners from allowing another limerock mine companies to mine their land, then a new limerock mining company is effectively blocked from opening a new mine.

Eliminates the ability to mine limerock resources in areas of the county that may contain significant supplies of the resource.

Limerock is a naturally occurring resource. The location of limerock resources is a result of the natural formation of the geologic structure of the county. Limerock mines desire to locate in areas that have a sufficient supply of the resource, appropriate quality of the resource, and allow for the economic (i.e. profitable) extraction of the resource. The lands adjacent to the existing six (6) mines may or may not meet these criteria.

In 2007, the Florida Legislature convened a Strategic Aggregate Task Force (Task Force) to address concerns related to the production and availability of construction aggregate materials (primarily limerock) within the State. These concerns were primarily generated by the uncertainty of the future operation of the major limerock mining operations in Miami-Dade County (Lake-Belt Mines). The Lake-Belt Mines are the primary source of construction aggregate materials in Florida. However, the Lake-Belt Mines are mired in Federal lawsuits that cast doubt on the continued operation of the mines. Consequently, in 2008, the Task Force prepared a series of recommendations, presented to the Governor and President of the Senate and Speaker of the House to expand limerock mining production in Florida. A key to these recommendations is to encourage the expansion of limerock mining activities within limerock rich areas of the state, such as Sumter County.

May Result in the premature annexation of lands to allow for limerock mining.

One option of a prospective limerock mine company to start operation in Sumter County without being adjacent to a limerock mine is to annex into a city. Last year, the City of Coleman annexed property

located to the northwest of the city. A purpose of the annexation was to provide for the permitting of a new limerock mine. This property annexed by the City of Coleman and proposed for the new limerock mine is not adjacent to an existing permitted mine and would not meet the County's locational criteria for a new limerock mine. The City of Coleman does not have the requirement for adjacency to an existing limerock mine. The permitting for this new limerock mine in the City of Coleman is still in process. Cities should be the focus of urbanized development within the county and not artificially expanded to accommodate a use that is more appropriate within an agricultural area than in an urbanized area.

Other Issues for Consideration

The issue of eliminating the existing County requirement for adjacency to an existing permitted limerock mine for expanded or new limerock mines was discussed by Mr. Arnold, County Administrator, with Mrs. Tracy Bryant of Cemex, who is a representative of the Sumter County Mining Association, Inc. (SCMA). The SCMA is comprised of current limerock mine operators within Sumter County. Due to the significant slow down within the construction industry, the SCMA does not support the County removing the requirement for adjacency to an existing permitted limerock mine.

The position of the SCMA is supported by the 2009 study by the Florida Department of Transportation related to the potential supply and demand for aggregate materials ("2009 Strategic Resource Evaluation Study: Highway Construction Materials Aggregate Final Report"; Balmoral Group). The 2009 study states that the reduction in the demand for aggregate materials, due to the current economic conditions, exceeds the reduction in supply of aggregate materials. The 2009 study estimates the demand for aggregate to not fully recover for the next 5-10 years.

Process to Eliminate Adjacency Requirement for Limerock Mines

Eliminating the adjacency requirement of limerock mines will require an amendment to the Sumter County Comprehensive Plan to revise Policy 7.1.11.1 and an amendment to the Sumter County Land Development Code to revise Section 13-772(d)(1).

If directed to proceed, staff will prepare the required Comprehensive Plan amendment and process the amendment with the upcoming Spring 2010 large scale amendments. In addition to Board action, the process includes review and recommendation by the Zoning & Adjustment Board and review and approval by the Florida Department of Community Affairs (DCA). The process typically takes 8-12 months due to the requirement for DCA review and approval.

If the Comprehensive Plan amendment is adopted and approved by DCA, then staff will prepare the appropriate amendment to the Land Development Code. In addition to Board action, the process includes the review and recommendation by the Development Review Committee and Zoning & Adjustment Board.

Location of Existing Limerock Mines in Sumter County

